

IN THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF KANSAS

Case No. 2:23-CV02536

MATTHEW ESCALANTE,
S.J.E, a minor child & S.G.E, a minor child

vs.

CHARLES DROEGE
in his official capacity as Chief Judge
of the Johnson County District CourtKATHY ARMSTRONG
Department for Children and Families - General Counsel
Interested Party**EMERGENCY EX PARTE MOTION FOR LEAVE TO INTERVENE
AND FILE INTERVENORS COMPLAINT ON BEHALF OF
THE MINOR CHILDREN PLAINTIFFS**

Plaintiff father, MATTHEW ESCALANTE, as his own counsel hereby respectfully submits this Motion for Leave to Intervene and File Intervenors Complaint by the DCF as Plaintiff. This motion pursuant Chapter 60 - Procedure, Civil Article 2 - Rules Of Civil Procedure 60-224 Intervention *(a) Intervention of Right. The Plaintiff father formally declaring section (2) an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter substantially impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.* Those are 2 minor children, subject to this action that is declaring an abuse onto them by the leader of the Johnson County Judiciary Defendant CHARLES DROEGE, Chief Judge of the TENTH DISTRICT COURTHOUSE in Olathe, Kansas. The Plaintiff is not an Attorney nor skilled to litigate in a manner of such severity where there is already a suggested probable cause that Defendant's judicial immunity is potentially compromised, as parties are currently in a Stayed federal proceeding and the Plaintiff father doesn't even have a law license. There is overwhelming evidence that suggests *prima facie*, that the defendant has deviated from his job capacity thus compromising his judicial immunity protections *Stump v. Sparkman, 435 U.S. 349 (1978)*. This proceeding is so situated that disposing of this action at this point substantially impairs a 14 year old minor child and an 8 year minor child's ability to protect them from harm of the Child Abuse that Plaintiff Father is showing the Johnson Co. Judiciary has applied to them.

The two minor children and these conditions with their pro se being of novice skill level, meet the statutory conditions of KSA § 60-224 Section (a)(2) that unless we get adequate representation for these minor children then there is zero protection to protect their interest. And as father of these beautiful children, I'm informing the court that they need adequate representation and protection and currently they do not have it from Misconduct by Court Officers and Judicial members also in the Johnson County Courthouse, example of that is there is the senior leader of judge's listed as defendant in this proceeding. Section (b) of Intervention statute states a government agency can intervene under certain conditions. Plaintiff is informing the Department of Children and Families, the subordinate judge to the Defendant, is Family Court Judge Paul William Burmaster, and has been engaged in malicious acts against several minor children not just the Plaintiff's, in which it can be seen by review of the Johnson County Case Civil Case dockets of the cases 18-CV03813, 22CV00890, and 22CV05542. These are different men, but all Burmaster proceedings in which one shows affirmative of Judge Paul Burmaster having to be removed/Suspended from each case on the same day November 16, 2023. That man was prejudicing to the Extent that many facts are going to be displayed that the Chief Judge on Nov. 16, 2023, suspended Burmaster only to re-distribute two of those cases to other judge but Charles Droege out of Retaliation prohibited by Rule 601(B) DID NOT re-distribute the custody case of 18-CV03813, although he said he did in the bench notes. He lied. The defendant began materially misrepresenting the docket of 18-CV03813. And again that case is a CUSTODY case that contains two minor children who are listed as Plaintiffs' seeking injunctive relief from the Harm that defendant is directly causing now. The following facts exists that justify this motion as Father is without skill set of an attorney and unable to litigate their need for relief under Section 1983 and the following also show Charles Droege as acted in 'clear absence of all jurisdiction' as is now subject to civil liability under Section 1983 because of it. Plaintiff minor children seek relief from child abusive action being experienced in direct and indirect fashion through the following actions of Defendant:

BACKGROUND AND FACTS

1. This federal proceeding was filed during December 2023. Defendant Chief Judge Charles Droege removed/suspended the prior presiding District Judge Paul Burmaster from the Plaintiff's county case of 18CV03813 on November 16, 2023.
2. On the Date of November 16, 2023, the plaintiff minor children became victim of Charles Droege's actions intentional infliction of emotional pain and discourse. As did Mr. Escalante as well.
3. When Charles Droege removed District Judge there was already a deviance of Judicial Ethics in place. There is a court order doc 307, that Burmaster created from the civil court one month prior his suspension from the case. Doc 307 is titled Journal Entry/Final Order and is charged with facilitating the re-unification of all 3 plaintiff's. As dad has not seen his daughters for 1.5 years of the youngest, S.G.E, And over 2 years of the oldest, S.J.E. And the measure of disrespect that the Defendants Droege and Burmaster have exhibited in retaliation against Mr. Escalante has manifested into a form of child abuse. And the Plaintiff father is showing the Chief Executive Officer of the Kansas DCF, of what the Johnson county judges have been doing to minors:
 - a) Judge Burmaster separated plaintiff, dad from daughters June 30, 2022, by Doc 192. Doc 192 says its 'Verified' but put back into a court of law with father now. Well father can can show in admissible evidence presentation that 'Verified' cannot apply to a perjurious motion of custody modification entered by Petitioner of 18CV03813. but that's not the destination of this Motion for Leave to Intervene.
 - b) June 30th, 2022, district judge was shown in admissible evidence that the separation and deprivation of daughters from their dad was without merit and misled.
 - c) Less than two weeks later, a petition for protection from stalking can still be seen as docketed by petitioner of 18CV03813, alongside with Counsel Christopher Wilson #15527 in crafting an illegal petition for PFS and it shows tampered evidence on its face in the case of 22CV03391 on July 8, 2022 Joco. Judge Paul W Burmaster signed a Tampered county petition knowingly, as a district court judge.
 - d) Over the Course of the next 14 months after those above factual events that did occur and is seen in dockets. The Family court Judge went to such a degree of attempting to Conceal all of those facts, that he can be verified of harming children, and Chief continued all that abuse

after November 16, 2023, after he got rid of Burmaster he made a very malicious and deviant

choice to continue the harm onto all 3 plaintiff's that Burmaster was producing.

a) Plaintiff supports his claim of with a Showing of FACTS OF RULE BREAKING

BY DEFENANT(S). Because the Plaintiff has been trying to discovery June 2022 event
Burmaster has so much misconduct against 601b, he's breaking rules ever since and
now Defendant Chief Judge is doing the same all to hid Burmaster's illegal actions.

Proof of Claim:

1. Plaintiff has a motion to modify PFS 22CV03391 sitting unheard/unruled
in the district court docket 22CV03391 for OVER ONE HUNDRED AND
THIRTY ONE DAYS. Statute of PFS in Kansas is 21 days max. for that to
be heard. Instead, of dismissing if they didn't agree with it as fact. They're
just letting it sit, as it is Facts, to dismiss it would be impossible to Justify.
(Burmaster and Droege) both know they have led a course of action counter
to Judicial Rules, PFS Statutes, and now Supreme court rule 166. The Kansas
Kansas Supreme Court Rule 166 is knowingly being broken by a family
court judge Burmaster/Droege Doc 28 Case 22CV03391. Parties welcome to
argue a family judge leading a course to break supreme court rules, has a strong
probability to suggest that, such conduct, is also very harmful to children. He's
he's a family court judge. Docket affirmative Doc 28, Family Court judge believe
he doesn't have to abide Kansas Supreme Court Rules. That's HARMFUL to
CHILDREN. And Defendant Droege removed Burmaster from the Docket
and while he was entering bench notes in 22CV03391, he is cognizant that
the Court is violating Rule 166 Ruling on Motions and Chief is doing the
same thing, and that the Wrong Thing. The Court needs to dismiss Doc 28 in
22CV03391 if they believe it doesn't have merit, but see they're not
dismissing it. They are playing around it.

b. In regards to the Civil Custody case and the direct on Minors is case 18-CV03813,
Escalante versus Escalante. The court has targeted the Plaintiff pro se father and crossed
Rule 601b Rule 2.2, Rule 2.3 Rule 2.9 (affirmative sitting in the docket mention from
the Judge Burmaster of INTERNET searching and stalking of the Plaintiff as a Judge)
Judge B is not allowed under Rule 2.9 to seek out facts on the internet and he shows he is.

1. Burmaster has doing everything he can to intentionally hurt and deprive the minor children through retaliation of the Father. Father willfully attended Johnson co. mental health in September 2022, and Intake Specialist Riva deemed Father/Plaintiff was not in need of County Mental Health care and she wrote that in official for the court. Burmaster would not move out of prejudice attitudes, and it wasn't good enough for him, as a JoCo mental specialist said no treatment needed. Then the Judge would not let father join shared custody with the minor plaintiffs, he order father to attend Resolve Counseling contractor of the court and February 2023, Father went 8 weeks to Counseling there, and Again a report is yielded by the Contractor Resolve counseling that the Father had no mental health issues as Judge persistantly assumed off of baseless claims by petitioner and would never consider evidence of fathers to show mental health was not the issue. So Judge withheld children. And for a short moment in time Judge shows or record that he doesn't really feels that whats need of "Supervised Parenting Time" He tells the Guardian Bell Lloyd to come up with alternative plan then, and The Guardian Failed to communicate the Plan that is in emails. Deprivation continued Against the best interest of Children of Separation of Companions Dad/Daughters The Guardian ad Litem has failed the Children and the case, as this whole time she is furthering the false claim of 'dad mental health issue' and it this hurting children the whole time. Judge would not hold Guardian accountable, Motion of Contempt with Factual points that Guardian was not billing correctly, billing for services that are appearing now as Never Occuring, money missing out of the trust, Judge would not ask a question of the Guardian to any of that when a legally sufficient motion was placed before him with Prima Facie descriptions of Failures to attain Order Appointing Guardian ad Litem. By again October 2023, judge is still retaliating for Plaintiff reporting to the Kansas Comm. of Judicial Conduct and over 3 dozen ethics dockets have formed of potential willful 601b violations. And judge on Oct 18 , 2023 Orders Livingston Counseling LLC to again treat father for Unproven Baseless allegations, and also while the two previous agencies indicated

not a problem with father. October 18, 2023 court record transcripts (exhibit A, and the Doc 307 Exhibit B attached) show Judge engaged in willful deceit regarding a Protection Order 22CV03391 being served again. But how that can that be? This high court needs to acknowledge that It Can't Be. An extended order of PFS served in a children's custody case doesn't work legally. There's no notice of protection served on October 18, 2023 that's the visible problem. And then add to the fact the Extended Order of Protection served on Oct 18 2023 was terminated before it ever began because the very fact of what he states on Page 10 of exhibit B, of why he is re-serving an extended order of protection. It's because he errored on the first one on Aug 10, 2023. That extended order was flawed deficient of a Certificate of Compliance 18USC2265. And he says it when "the extended order wasn't attached to the final order when previously served, so we're going to do it again" basically. Judge Burmaster couldn't if he was following Kansas Statutes under Chap 60 of PFS because no one can legally serve a flawed extended order of protection two months after it didn't get done right. That doesn't work, it has to be issued while the Final Order is Alive, and final order terminated on Aug 19th 2023. Respectfully, and believe me I'm trying to be respectful to this Court but Federal Judge John Broomes is showing that he is not willing to enforce the Violence Against Womens act 18USC2265 just because the defendant of 2:23-CV02559 is Judge Burmaster. Judge committed a crime of KSA 21-5907 Simulating Legal Process when he deceived his whole court on Oct 18. 2023 by serving a dead extended order of protection after the Final Order had expired on Aug 19, 2023 and while he was in the Plaintiff's children's custody case of 18CV03813. None of that legally or logically works, so why are we are not willing to enforce the VAWA? A judge has no immunity when commits a crime of KSA 21-5907 in 18CV03813, that is not his jurisdiction nor job capacity to even attempt. Defendant Charles Droege became knowledgeable of this occurring and he suspended Judge Burmaster. But he didn't fix any of the legal issues he furthered them, and it hit minor children

placed into 18CV03813 on October 18, 2023. And it stated Plaintiff, 'dad' must go to Livingston Counseling LLC to re-integrate with the kids. And then Chief Judge

#1) Suspends District Judge Burmaster from Plaintiffs proceedings and two other mens as well.

#2) Chief Judge Droege knew that

Livingston Counsel Counseling LLC was required at that point for children re-integration at that point.

#3) He verifies that in a docket mention by December

in this entry from Exhibit C 12/12/2023 <***** Bench Notes *****>
RESPONDENT'S MOTION FAXED TO THE CLERK ON DECEMBER 6, 2023, IS DISALLOWED FOR FILING BASED UPON THE PREVIOUS ORDERS ISSUED IN THIS CASE ON OCTOBER 18, 2023, BY JUDGE BURMASTER. THOSE ORDERS REQUIRE THAT NO FURTHER PLEADINGS MAY BE FILED, OR HEARINGS SCHEDULED IN THIS CASE UNLESS AND UNTIL THE COURT'S PREVIOUS RULING REGARDING CUSTODY AND PARENTING TIME ARE APPEALED, REVERSED OR REMANDED BY THE KANSAS COURT OF APPEALS. NO PLEADINGS WILL BE ALLOWED, OR HEARINGS SCHEDULED REGARDING RESPONDENT'S PARENTING TIME UNTIL RESPONDENT FOLLOWS THE COURT'S ORDERS REQUIRING FAMILY COUNSELING AND REINTEGRATION WITH THE MINOR CHILDREN. WHEN A HEARING IS DEEMED APPROPRIATE IN THIS CASE, THE MATTER WILL BE ASSIGNED TO AN OUT-OF-COUNTY JUDGE TO CONDUCT THE HEARING HERE IN THE 10TH JUDICIAL DISTRICT COURT.

#4 And Droege wrote, Burmaster was suspended from the Case. And why is father above motioning to the Court to Vacate Doc 307 above? when he is Supposed to be at Livingston Counseling LLC re-integrating with kids?

Its because its entirely factual that LIVINGSTON COUNSELING LLC, abandoned and disqualified out of Doc 307, they were no longer apart of it in December 2023 and the Plaintiff can show several contacts where David Livingston went and told the Court and Charles Droege that Livingston Counseling was self disqualifying themselves from it and admissible evidence and oral testimony exists of Mr Livingston that he directed the Court and Droege to AMEND DOC 307 by December 2023, and the Court refused. And Left a VOID order seperating dad/kids

December and he Knows Livingston Counseling is Gone and he is refusing

to amend it and making the statements that he is in the docket after.....

01/03/2024 <***** Bench Notes *****>

RESPONDENT'S MOTION FAXED TO THE CLERK ON DECEMBER 30, 2023, IS DISALLOWED FOR FILING BASED UPON THE PREVIOUS ORDERS ISSUED IN THIS CASE ON OCTOBER 18, 2023, - DOC (307) THOSE ORDERS REQUIRE THAT NO FURTHER PLEADINGS MAY BE FILED, OR HEARINGS SCHEDULED IN THIS CASE UNLESS AND UNTIL THE COURT'S PREVIOUS RULING REGARDING CUSTODY AND PARENTING TIME ARE APPEALED, REVERSED OR REMANDED BY THE KANSAS COURT OF APPEALS. NO PLEADINGS WILL BE ALLOWED, OR HEARINGS SCHEDULED REGARDING RESPONDENT'S PARENTING TIME UNTIL RESPONDENT FOLLOWS THE COURT'S ORDERS REQUIRING FAMILY COUNSELING AND REINTEGRATION WITH THE MINOR CHILDREN. FOLLOWING ANY APPELLATE DECISION, IF A HEARING IS DEEMED APPROPRIATE, THE MATTER WILL BE ASSIGNED TO AN OUT-OF-COUNTY JUDGE TO CONDUCT THE HEARING HERE IN THE 10TH JUDICIAL DISTRICT COURT

and...

02/14/2024 <***** Bench Notes *****>

RESPONDENT'S "EX PARTE MOTION TO VACATE DOCUMENT 307" E-MAILED TO THE CLERK'S OFFICE FOR FILING ON FEBRUARY 14TH, 2024, IS DISALLOWED. NO FURTHER PLEADINGS MAY BE FILED, OR HEARING SCHEDULED IN THIS CASE, UNLESS AND UNTIL THE COURTS PREVIOUS RULING REGARDING CUSTODY AND PARENTING TIME ARE APPEALED, REVERSED, OR REMANDED BY THE KANSAS COURT OF APPEALS. NO PLEADINGS WILL BE ALLOWED TO BE FILED, OR HEARINGS SCHEDULED REGARDING RESPONDENT'S PARENTING TIME UNTIL RESPONDENT FOLLOWS THE COURT'S ORDER REQUIRING FAMILY COUNSELING AND REINTEGRATION WITH THE MINOR CHILDREN. FOLLOWING ANY APPELLATE DECISION, IF A HEARING IS DEEMED APPROPRIATE, THE MATTER MAY BE HEARD BY AN ASSIGNED JUDGE BY THE CHIEF JUDGE TO CONDUCT THE HEARING

And the above two entries don't indicate who is writing it, but its clear whos writing it based upon upon this entry

11/28/2023 <***** Bench Notes *****>

BY ORDER OF THE CHIEF JUDGE, THE ORDER APPOINTING EDWARD BIGUS AS COUNSEL FOR MR. ESCALANTE IS RESCINDED AND WITHDRAWN AS CONTEMPT PROCEEDINGS HAVE BEEN RESOLVED AND A FINAL ORDER ENTERED ON OCTOBER 18, 2023. MR BIGUS IS REMOVED AS COUNSEL

OF RECORD (DOC 307)(JUDGE: DROEGE)

The defendant Droege is deceiving the Children's best interest by withholding custody and jurisdiction from one of the Representing Parties of 18CV03813 unlawfully depriving of the Childrens right under Constitution Amendment 14. S1. 5.8.1 Parent and Children Rights and Due Process. Thats exactly what what he is doing, and he has lawyers in Greg Goheen trying to defend it with county taxpayers paying the bill for MVP Law firm for Misconduct and willful deprivations of Escalante children's rights. This Court isn't able argue against that, those are all facts above. So I ask Ms Hummel, CEO of KANSAS DCF

How many other children is Defendant Droege doing that to, Ms Hummel?

I can't get the answer to that question because Hon John Broomes let Burmaster go out of these federal lawsuits stating that I could not re-litigate judicial immunity. This was said with the dismissal of 2:23-CV02559 on Jan 24, 2024, on the morning Honorable Broomes wrote that in the docket of that federal proceeding suggesting Immunity of Judges was not able to be argued by me in this court.

And the Fact of this Matter is Exhibit C. A county protection order 24-CV00369 against Judge Burmaster filed and granted a hearing by Johnson County themselves because of the Prima Facie examples that were given that show loss of Burmaster immunity under Stump vs Sparkman. Judge Burmaster has grossly harmed the two children by trying to harm me and I'm a big boy no one can harm the children like that against law and while their immunity is compromised. Not in Kansas under these laws. And stump vs sparkman set precedent for immunities and it says Burmasters was gone the moment he broke the law 10-18-23 And again late in Jan 24, 2024 Respectfully, Hon. Broomes stated he didnt see an issue nor feel like he wanted me to disclose it in the federal court.

That is not proper nor appropriate when Judge Burmaster's own courthouse disagrees in direction then Judge Broomes and seeing as how they let me bring civil action of protection order.

Because Broomes doing that in that fashion, the Minor Children are now forever subject by Judicial Misconduct of Droege(who is stayed inside this federal proceeding while Defendant Burmaster is down in county behind a protection order) until somebody acts favorable in interests of Justice.

Nobody is doing the Just and Right thing here in accordance with VAWA laws and other statutes.

And because of it the Children, the Plaintiff minors listed are being harmed largely by negligent handling of cases.

And the Plaintiff is unable to contend against such Misconduct.
And the Children's Guardian ad Litem, Lewanna Bell Lloyd #11947

Ms Chief Executive Hummel, the Guardian is still appointed and she has been absent the case of 18CV03813, for just about approaching one calendar year. I have no idea if she is even attempting to care for anything of the children at all. They are Guardianless, and she is in admissible evidence in 2022 and 2023 as deviating the Court appointed Guardian ad Litem, that Judge Burmaster wrote and wouldn't enforce and now he is suspended from the case.

There's no Judge, there's no Guardian ad Litem, there's just these federal proceedings and negligent handling further while I attempt to Judge Burmaster accountable and the sheriff served him his order for hearing in his own courtroom I am no match for this federal court with how it is not willing to help the two beautiful daughters, listed as S.J.E, and S.G.E, only the DCF has that potential and on their behalf as their father, THEY REQUEST RELIEF MS. HUMMEL

Please help them and intervene on their behalf. I beg and pray for relief of what can be relieved here by a third party, and that docket manipulation by the Court of Johnson, that's directly harming two children.

WHEREFORE plaintiff is desperate to lead a course of action that stops the harm being caused on the two minor children, listed as Plaintiffs, and the statute of intervention states that if Plaintiff father is unable to represent sufficiently while the two minor plaintiff's are here and this case is so situated that disposing of Escalante vs Droege is going to keep the events above continuing and their children. Then the movants ability to protect own interests as Children is inadequate. They're Children, they're innocence. Motioning to intervene

the DCF because believes this is the only option left to protect minors. I beg and pray for their relief.



Matthew Escalante
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CERTIFICATE OF SERVICE

I hereby certify that the MOTION FOR LEAVE TO INTERVENE AND FILE INTERVENOR COMPLAINT was electronically filed and CM/ECF distributed a copy to all parties in the proceedings and also a copy sent to the following of the Executive and Legal Team of the Kansas Department of Children and Families

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